



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,411	04/23/2001	Frederic M. Newman	018	2408
7590	04/01/2005		EXAMINER	
Matthew F Steinheimer Howrey Simon Arnold & White LLP 750 Bering Drive Houston, TX 77057-2198			JARRETT, SCOTT L	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/839,411	NEWMAN, FREDERIC M.	
	Examiner Scott L. Jarrett	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 23 April 2001.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-19 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-19 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/23/01, 10/22/04

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts.

Additionally, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result.

Regarding Claims 1-9, Claims 1-9 only recite an abstract idea. The recited for method managing workers at a well site does not apply, involve, or use the technological arts since all of the recited steps can be performed in the mind of the user

or by use of a pencil and paper. The claimed invention, as a whole, is not within the technological art as explained above claims 1-9 are deemed to be directed to non-statutory subject matter.

Mere intended or nominal use of a component, albeit within the technological arts, does not confer statutory subject matter to an otherwise abstract idea if the component does not apply, involve, use, or advance the underlying process. In the present case, none of the recited steps are directed to anything in the technological arts as explained above with the exception of the recitation of the phrases transporting/placing a first/second “computer” or “wireless communication” in Claim 1. Therefore, the terms discussed are taken to merely recite a field of use and/or nominal recitation of technology.

Regarding Claims 10-14, Claims 10-14 only recite an abstract idea. The recited method for managing workers does not apply, involve, or use the technological arts since all of the recited steps can be performed in the mind of the user or by use of a pencil and paper. The claimed invention, as a whole, is not within the technological art as explained above claims 10-14 are deemed to be directed to non-statutory subject matter.

Mere intended or nominal use of a component, albeit within the technological arts, does not confer statutory subject matter to an otherwise abstract idea if the component does not apply, involve, use, or advance the underlying process. In the present case, none of the recited steps are directed to anything in the technological arts

as explained above with the exception of the recitation of the phrase transporting a first “computer” in Claim 10. Therefore, the term discussed is taken to merely recite a field of use and/or nominal recitation of technology.

Regarding Claims 15-19, Claims 15-19 only recite an abstract idea. The recited method for managing first/second workers does not apply, involve, or use the technological arts since all of the recited steps can be performed in the mind of the user or by use of a pencil and paper. The claimed invention, as a whole, is not within the technological art as explained above claims 15-19 are deemed to be directed to non-statutory subject matter.

Mere intended or nominal use of a component, albeit within the technological arts, does not confer statutory subject matter to an otherwise abstract idea if the component does not apply, involve, use, or advance the underlying process. In the present case, none of the recited steps are directed to anything in the technological arts as explained above with the exception of the recitation of the phrases a first/second “computer” (transportation of) in Claim 15. Therefore, the term discussed is taken to merely recite a field of use and/or nominal recitation of technology.

Correction required. See MPEP § 2106 [R-2].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mobile Data Solutions, Inc.'s (MDSI) Resource Management system (Enterprise Scheduling System, Order Scheduling System; 1999-2000) aspects of which are discussed in the following references:

- I. Jacobs et al., U.S. Patent Publication No. 2001/0037229, Enterprise scheduling system for scheduling mobile service representatives, hereinafter referred to as reference A;
- II. Jacobs, Simon, U.S. Patent Publication No. 2002/0010615, Methods and systems for scheduling complex work orders for a workforce of mobile service technicians, herein after referred to as reference B; and
- III. Jacobs et al., U.S. Patent Publication No. 2002/0010610, Order scheduling system and method for scheduling appointments over multiple days, herein after referred to as reference C.
- IV. Costello, Daniel, Power to the people (1999), herein after referred to as reference D.
in view of Newman, U.S. Patent No. 6,079,490.

Regarding Claim 1 MDSI's resource management system teaches a comprehensive resource management system utilized by service organizations for managing a plurality of mobile workforce related operations including but not limited to: reservations, scheduling, assignments, monitoring, tracking and reporting (see reference A: Abstract; Paragraph 0010; see reference B: Abstract; Paragraph 0010; see reference C: Abstract; Paragraph 0010).

MDSI's resource management system further teaches that resources under management include service technicians (each having specific skills, availability, regions of responsibility and the like) and equipment (trucks, handheld devices, wireless devices, computers, etc.; see reference A: Abstract; Paragraphs 0002, 0008-0010, 0023-0025, 0047, 0073-0085, 0111, 0113; Figures 1, 3A and 9 as shown below; see reference B: Paragraphs 0002, 0004, 0010, 0017, 0033, 00367, 0039-0040, 0046, 0054-0056; Figures 1, 2B and 3; Tables 1-2; see reference C: Paragraphs 0004, 0010, 10015-0022, 0055-0064, 0071; see reference D: Columns 1-3, Page 2; Column 3, Page 4).

More specifically MDSI's resource management system teaches a comprehensive resource management system wherein a plurality of workers and their associated equipment (includes vehicles), the equipment being adapted to perform a service operation (repair, maintenance, installation, etc.) at a plurality of sites (location) further comprises:

- transporting (driving, traveling) a computer (handheld data terminals, remote access devices and the like) in the service vehicle (see reference A: Figure 1; See

Art Unit: 3623

reference B: Paragraphs 0010, 0014 and 0017; see reference D: Column 3, Last

Paragraph, Page 2);

- placing a second computer at a remote location (central server, OSS server;

see reference C: Paragraphs 0015-0021; Figure 2; see reference B: Paragraphs 0014, 0017 and 0037-0040; Figure 3);

- providing a wireless communication link between the two computers (see

reference b: Paragraphs 0017 and 0039; see reference C: Paragraph 0017; Figure 2);

- entering a plurality of information regarding the service being

provided/Performed at the site including but not limited to data suggesting the worker is at the site and performing the requested service (e.g. job start time, job completion, status, etc.; see reference A: Figure 3A; see reference B: Paragraphs 0004, 0017, 0055-56; see reference D: Columns 1-3, Page 2; Column 3, Page 4);

- service being performed may span multiple days and require a plurality of different or the same resources (i.e. first/second service provider and his/her associated equipment; see reference B: Paragraph 0010; see reference C: Paragraphs 0010 and 0055-0064);

- communicating through the wireless communication link from the fist computer to the second computer whereby the company at the second computer is aware that one or more workers and their associated equipment is at the site (see reference B: Paragraphs 0017 and 0039; see reference C: Paragraph 0016; Figure 2).

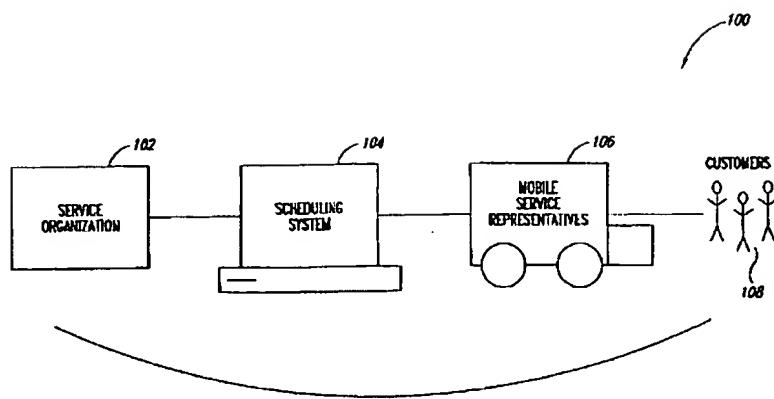


Fig. 1

Figure 1: Reference A, Figure 1

Figure 3A consists of three tables:

RESERVATION	
IDENTIFIER	RESERVATION1
APPOINTMENT WINDOW START AND END DATETIME	09:00 TO 11:00 TODAY
DURATION	120 MINUTES
LOCATION	(x_1, y_1)
CONFIGURABLE FIELDS:	
AREA	A1
SKILLS	SK1, SK2
EQUIPMENT	EQ1, EQ2, EQ3

MOBILE SERVICE REPRESENTATIVE	
MOBILE USER IDENTIFIER	MU1
CONFIGURABLE FIELDS:	
SKILLS	SK1, SK4, SK7
EQUIPMENT	EQ1, EQ2, EQ3, EQ4

SHIFT	
IDENTIFIER	SHIFT1
MOBILE USER IDENTIFIER	MU1
START AND END DATETIME	08:00 TO 17:00 TODAY
BREAKS	10:00 TO 10:15 12:00 TO 13:00 15:00 TO 15:15
START AND END LOCATION	(x_s, y_s) AND (x_e, y_e)
CONFIGURABLE FIELDS:	
AREAS	A1, A2

Fig. 3A

Figure 2: Reference A, Figure 3A

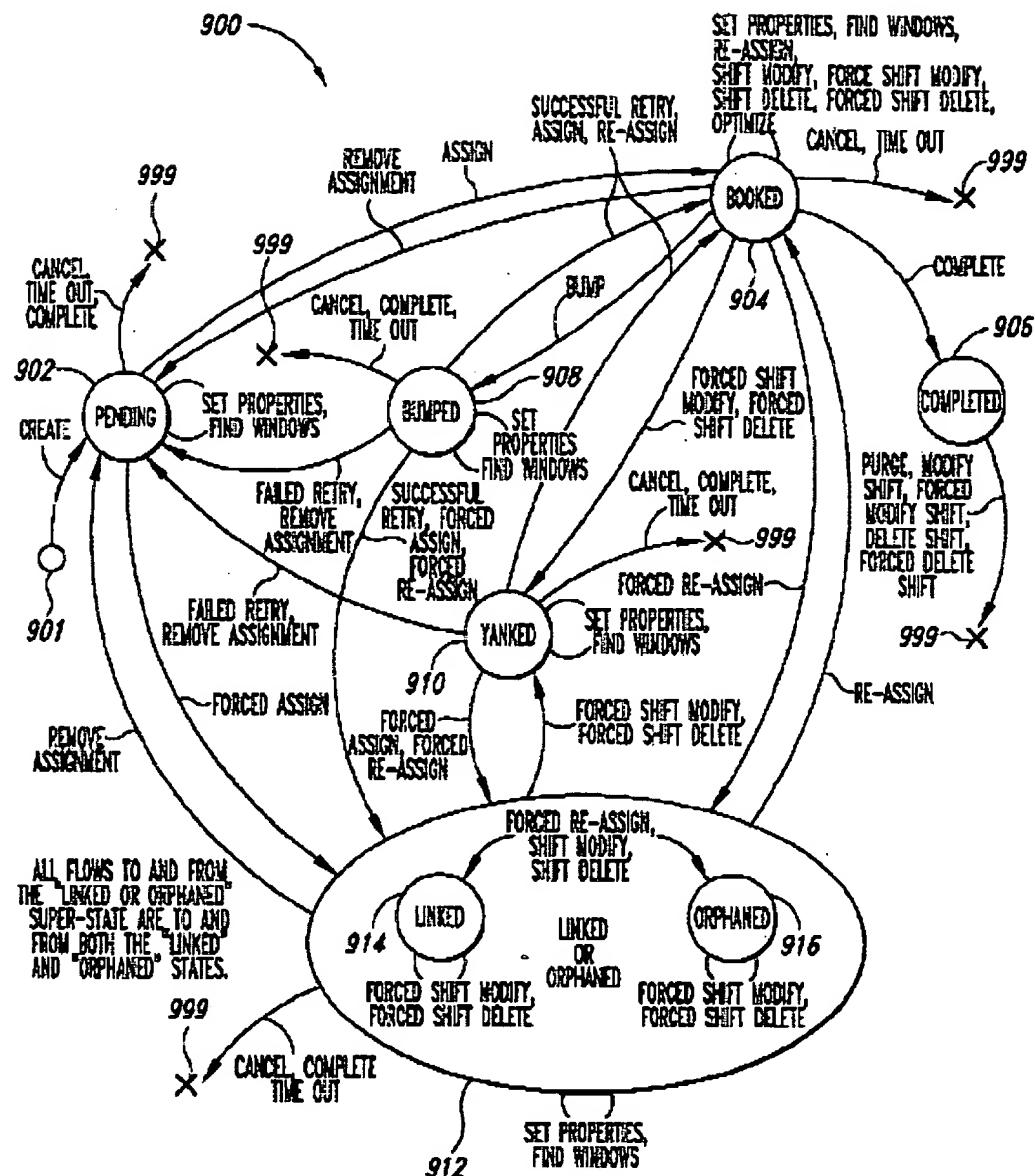


Fig. 9

Figure 3: Reference A; Figure 9

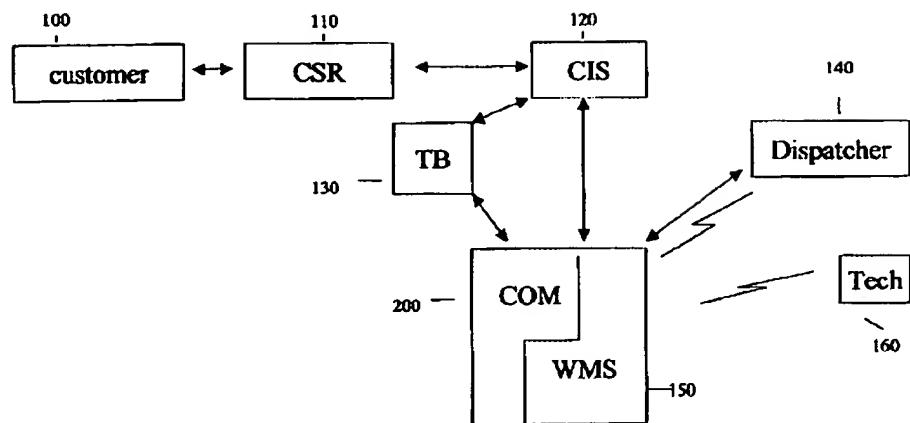


Figure 3

Figure 4: Reference B; Figure 3

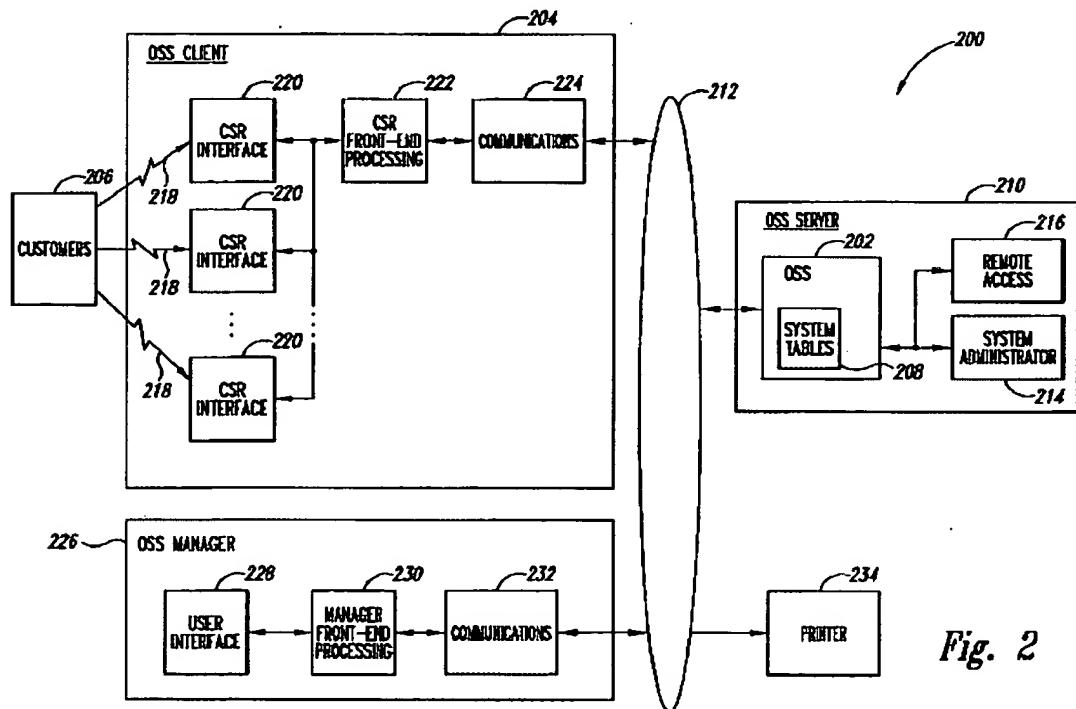


Fig. 2

Figure 5: Reference C, Figure 2

As per applicants own admission the management of a mobile workforce at a well site is old and very well known (see at least Newman, U.S. Patent No. 6,079,490). Further it is noted that the phrase well site as stated in the in preamble and the body of the claim merely states the intended field of use for a workforce management system and recites non-functional descriptive language.

Regarding Claim 2 MDSI's resource management system teaches a comprehensive resource management system utilized by service organizations for managing a plurality of mobile workforce related operations, such as repair, installation, maintenance, etc. as discussed above. Further MDSI's resource management system teaches that the mobile workforce management system includes the management of the complete service lifecycle including but not limited to: reservations, scheduling, assignments, monitoring, tracking and reporting as discussed above.

While MDSI's resource management system teaches that the mobile workforce management system utilizes a plurality of service technicians each having specialized skills and equipment, including handheld data devices, MDSI's resource management system does not expressly teach the utilization of transducers for monitoring items at the service site (location).

As per applicant's own admission the utilization of transducers for measuring, monitoring and reporting on a plurality of events related to well site service operations is old and well known in the art (see at least Newman, U.S. Patent No. 6,079,490).

More specifically Newman teaches a remotely accessible well site mobile repair unit wherein a mobile workforce having specialized equipment (trucks, monitoring equipment, transducers and the like) are linked via wireless communications to a central system (Newman: Column 1, Lines 5-68; Column 2, Lines 1-16).

Newman further teaches that the utilization of transducers, more specifically the role of transducers in creating electrical signals wherein the signals are converted into digital values to be used in monitoring events and items at the site, is well known and established in the art as a means for monitoring, storing and transmitting a plurality of data points for a plurality of events/items operating at a well site (see at least Newman: Abstract; Column 1, Lines 20-25 and 30-65; Column 2, Lines 1-8; Column 3, Lines 43-68; Column 4; Lines 1-39; Column 5, Lines 25-34; Figures 1 and 4).

Further Newman teaches the application of a timestamp to the data collected as the results of events at the well site (time of transition; Column 1, Lines 46-49).

It would have been obvious to one skilled in the art at the time of the invention that the MDSI resource management system as taught by MDSI, with its ability to incorporate a plurality of information from the workforce's mobile computers, would have benefited from utilizing transducers and other monitoring devices (sensors) for monitoring, storing and transmitting a plurality of information relevant to the service being provided in view of the teachings of Newman; the resultant system being further capable of providing (capturing, monitoring, utilizing, etc.) additional information relevant to the services being performed.

Regarding Claims 3, 11 and 16 MDSI's resource management system teaches that the mobile workforce management system further comprises the ability for customers to generate service requests for a plurality of service needs in the form of reservations (i.e. approved work orders/service requests; see reference A: Abstract; see reference B: Abstract, Paragraph 0010; see reference C: Abstract; Paragraphs 0055-0064; Figure 2; see reference D: Pages 1-3).

Regarding Claims 4-8, 13-14 and 17-19 while MDSI's resource management system teaches a mobile workforce management system applicable to a plurality of industries and can be customized/adapted to manage any number and/or type of service operations/activities MDSI's resource management system does not expressly teach the specific well site operations as claimed.

As per applicants own admission a plurality of well site activities (service operations) are old and well known in the art (see at least Vanderschel; David J., U.S. Patent No. 4531204; Selman, Thomas, U.S. Patent No. 5,237,539; U.S. and Newman).

More specifically the applicant's own admission teaches that that the specific well site activates as claimed are old and well known:

- pumping a fluid (Newman: Abstract; Column 1, Lines 41-45; Column 3, Lines 15-34);

- manipulating at least one of a plurality of sucker rods and a plurality of tubing
(Newman: Abstract; Column 1, Lines 11-19); and
- downhole logging (Vanderschel: Column 1, Lines 50-57; Column 47, Lines 65-68; Column 48, Lines 1-11).

It would have been obvious to one skilled in the art at the time of the invention that the MDSI resource management system as taught by MDSI, with its applicability to a plurality of industries and its ability to be customized/adapted to meet the unique needs of those industries, would have benefited from being customized to manage the well known service operations associated with well sites servicing; the resultant system being specifically adapted to successfully manage a mobile workforce of well site service technicians and their equipment.

Regarding Claims 10 and 15, claims 10 and 15 recite similar limitations to Claims 1-2 and are therefore rejected using the same art and rationale as applied in the rejection of Claims 1-2.

Regarding Claim 9 MDSI's resource management system teaches that the mobile workforce management system further comprises a plurality of information for each service performed (reservation, appointment) including but not limited to the service provided, reservation identifier, site location, technician, status and the like (see

reference A: Paragraphs 0031-0036; Figure 3A as shown above; see reference D:

Paragraph 0066; Figures 1, 2B and 3; see reference C: Paragraphs 0032-0037).

Regarding Claim 12, claim 12 recites similar limitations to Claims 1 and is therefore rejected using the same art and rationale as applied in the rejection of Claim 1.

Examiner Note

Examiner has cited particular sections, pages, and paragraphs or figures in the references applied to the claims for the convenience of the applicant. Although the specific citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in their entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Bergeron et al., U.S. Patent No. 4,922,514, teach a system and method for managing remote service personnel.
- Rassman et al., U.S. Patent No. 4,937,743, teach a system and method for managing resources (equipment, specialized personnel, and the like) wherein the system provides dynamic resource monitoring and statusing as well as an audit trail (record of resource utilization). Rassman et al. further teach that the resource management system is rules based and can therefore be customized/modified/adapted for a plurality of businesses and resources.

Art Unit: 3623

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Jarrett whose telephone number is (703) 306-5679. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hafiz Tariq can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SJ
3/26/2005



TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600